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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,330	03/17/2004	Ralf Kamphausen	A2004015	5588

26643 7590 02/05/2007
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EXAMINER

SCHNEIDER, JOSHUA D

ART UNIT	PAPER NUMBER
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2182

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/803,330	KAMPHAUSEN ET AL.	
	Examiner	Art Unit	
	Joshua D. Schneider	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13 and 17 have been considered but are moot in view of the new ground(s) of rejection.
2. With regards to Applicants arguments that the chips and device drivers that are taught by the AAPA are not enough to obviate the claims, Applicant is reminded that the teachings of the AAPA are not to be read in a vacuum, but rather in light of the references with which they are combined. In light of the teaching of Fujimori, the claims are obvious. The requirements of any transmission that converts between IEEE1394 to USB in a way that complies with both notoriously well known specifications requires that such drivers are present.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. It is also noted that the response to this case references an incorrect application number. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2004-15181 to Fujimori Shingo in further view of U.S. Patent Application Publication 2001/0047475 to Tersaki and the AAPA.
7. With regards to claim 13, Fujimori teaches transmitting the USB command over a USB connection in the computer system to a converter external to the computer system (Fig. 2, element 202); receiving the USB command in a converter device (Fig. 1, element USB20, 101); converting in the converting device the USB command to the IEEE 1394 command (Fig. 1, element 102); and transmitting the IEEE 1394 command from the converting device to the digital video device (Fig. 2, 203). Fujimori fails to teach generating an IEEE 1394 command to exchange data with a digital video device, converting in the computer system the IEEE 1394 command to a USB command in accordance with the USB protocol. However, Tersaki teaches generating an IEEE 1394 command to exchange (see Figs. 1 and 2, paragraphs 117-118), converting in the computer system the IEEE 1394 command to a USB command in accordance with the USB protocol (see Figs. 1 and 2, elements 1-4, paragraphs 117-118 and 126). It would have been obvious to one of ordinary skill in the art to combine the IEEE1394 data generation and IEEE1394 to USB data conversion with the converter of Fujimori in order to allow data editing over commonly available USB ports.
8. With regards to claim 14, Fujimori fails to teach converting the IEEE 1394 command to the USB command comprises a 1394-USB tunnel driver that receives a IEEE 1394 bus input-output request, creates data packets with OHCI-compatible PCI accesses and transmits them to a USB stack. However, the AAPA teaches that it is well known in the art to create USB drivers according to the well known Windows driver model (paragraphs 0051 and 0052). It would have

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been obvious to one of ordinary skill in the art to combine the use of well known USB driver building with the converter of Fujimori in order to allow data transmission over commonly available USB ports.

9. With regards to claim 15, Fujimori fails to teach converting the IEEE 1394 command to the USB command comprises, a USB client device driver that receives data packets from a IEEE 1394 stack, passes data packets to a system driver component, and transmits them to the converter device. However, the AAPA teaches that it is well known in the art to create USB drivers according to the well known Windows driver model (paragraphs 0051 and 0052). It would have been obvious to one of ordinary skill in the art to combine the use of well known USB driver building with the converter of Fujimori in order to allow data transmission over commonly available USB ports.

10. With regards to claim 17, Fujimori teaches generating an IEEE 1394 command (Fig. 2, element 204), the IEEE 1394 command being generated in the digital video device according to IEEE 1394 protocol (Fig. 2, element 204); transmitting the IEEE 1394 command over a IEEE 1394 to a converter device (Fig. 2, element 203); receiving the IEEE 1394 command in the converter device (Fig. 1, element 104); converting in the converter device, the IEEE 1394 command to a USB command in accordance with the USB protocol (Fig. 1, element USB20, 101); transmitting the USB command over a USB connection from the converting device to the computer system (Fig. 2, element 202); and receiving the USB command in the computer system (Fig. 2, element 201). Fujimori fails to teach converting, in the computer system, the USB command to a IEEE1394 command in accordance with the IEEE1394 protocol, and providing the IEEE1394 to the video application.

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11. However, Tersaki teaches converting, in the computer system, the USB command to a IEEE1394 command in accordance with the IEEE1394 protocol (Figs. 1 and 2, elements 1-4), and providing the IEEE1394 to the video application generating an IEEE1394 command to exchange (see Figs. 1 and 2, elements 1-4, paragraphs 117-118 and 126). It would have been obvious to one of ordinary skill in the art to combine the IEEE1394 data generation and IEEE1394 to USB data conversion with the converter of Fujimori in order to allow data editing over commonly available USB ports:

12. With regards to claims 16 and 18, Fujimori fails to teach converting the IEEE 1394 command to the USB command comprises first converting the IEEE 1394 command to an intermediate protocol. However, the AAPA teaches commercially available chips for converting USB data and IEEE1394 to intermediate formats (paragraphs 36-39, 50, and 51). It would have been obvious to one of ordinary skill in the art to combine the use of commercially available conversion chips with the converter of Fujimori in order to save time and money on design and production cost by using off the shelf product.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JDS


KIM HUYNH
SUPERVISORY PATENT EXAMINER
1/31/08